

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO.: 1200
DELEGATION NO.: 7-22-A**

DELEGATION OF AUTHORITY

DATE: 4-10-2017

CLEAN AIR ACT

7-22-A. Civil Judicial Enforcement Actions, Including Collection Actions

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 7-22-A issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Clean Air Act (CAA), including Sections 114 and 307:

- a. to cause civil judicial actions to be commenced or to intervene in suits commenced pursuant to the CAA;
- b. to request the Attorney General (AG) to appear and represent the Agency in any civil enforcement action, including actions to collect unpaid penalties;
- c. to request the AG to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil judicial action; and
- d. to appear and represent the Agency in any CAA action where the AG has refused or failed to appear and represent the Agency, exclusive of appeals.

2. TO WHOM REDELEGATED.

A. The Director, Office of Environmental Stewardship (OES) may exercise the authorities in 1.B.a. through 1.B.d..

3. REDELEGATION AUTHORITY.

A. The authorities in 1.B.a. through 1.B.c. may be redelegated to the Branch Chief level, and no further.

B. The authority in 1.B.d. may be redelegated to staff attorneys, and no further.

C. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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4. LIMITATIONS.

A. The Director, OES, or his/her designee, must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the action before exercising the authorities in 1.B.a. through 1.B.c. The Manager, Legal Enforcement Office, OES, or his/her designee, may waive concurrence in writing.

B. The Director, OES, or his/her designee, must notify the Regional Administrator (RA) and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) prior to exercising the authorities in 1.B.a. and 1.B.c. and when exercising the authority in 1.B.b. The RA and AA for OECA may waive the requirement for notification in writing.

C. The authorities in 1.B.a. through 1.B.d. may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

D. The AA for OECA must notify the appropriate RA prior to exercising the authorities in 1.B.a. through 1.B.d. and the authority to request or initiate an appeal as indicated on EPA Headquarters delegation, dated January 18, 2017.

5. ADDITIONAL REFERENCES.

A. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).

B. Direct referral agreement memorialized in letter of September 29, 1983, from Alvin L. Alm, Deputy Administrator, to F. Henry Habicht, Assistant Attorney General, regarding direct referrals; Sections 113(b), 204, 205, 302(a)(2), and 305 of CAA.

C. For referrals of requests for emergency CAA Temporary Restraining Orders, see the Chapter 7 delegation entitled, *Emergency TROs*.

6. SUPERSESSON. None.


Deborah A. Szaro

Acting Regional Administrator

4/10/17
Date